

**WASHINGTON COUNTY COMMISSION MEETING**  
**MINUTES**  
**DECEMBER 15, 2009**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on December 15, 2009, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Dennis Drake, Deputy County Attorney David L. Patterson, County Administrator Dean Cox, and Deputy County Clerk Paula D. McEntire.

*The Spectrum* was represented by Brian Ahern at the meeting.

Commissioner Drake led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor Approved Claims for Payment from December 2, 2009, through December 15, 2009
- Consideration of Approval of Regular County Commission Meeting Minutes from November 3, 2009, and November 17, 2009
- Consideration of Administrative Adjustments / Real Property
- Consideration of Administrative Adjustments / Personal Property
- Consideration of Request for Full-Service Restaurant Liquor License for Brandin Iron Steakhouse and Saloon / Anthony & Gail Vallone
- Actions of the Washington County Planning Commission: 12/8/09 / None

**ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION:**  
**12/8/09**

**MOTION:** Motion by Commissioner Drake to Approve the Consent Agenda, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**REGULAR AGENDA:**

**EMERGENCY SERVICES REPORT / CORY PULSIPHER**

Lt. Cory Pulsipher of the Washington County Sheriff's Office reported several Search and Rescue (SAR) call-outs since his last report. The SAR team assisted in a body recovery on a ridge, a stranded family in the New Harmony area trying to cut down a Christmas tree, and a medical assist for an ATV accident on the Hurricane Sands. Thirty-eight (38) volunteers responded to the three (3) calls.

**CONSIDERATION OF PURCHASE REQUESTS / MARK BLANCH**

Building Maintenance, septic system installation in Silver Reef .....	\$ 11,466.00
HCP, Agreement with Division of Wildlife Resources .....	30,000.00
Library, sixty-one (61) computers for the St. George and Santa Clara Libraries .....	35,250.30

**MOTION: Motion by Commissioner Gardner to Approve the Above Purchase Requests. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

Chairman Eardley introduced Britton Lund, Washington County Library Director, who spoke to the need for these additional computers in the library system.

**CONSIDERATION OF ORDINANCE NO. 2009-988-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10, CHAPTER 2-2.C. OF THE WASHINGTON COUNTY CODE (LAND USE AUTHORITY - AUTHORITY TO HEAR AND ACT)**

Deputy Washington County Attorney David L. Patterson said that this is a housekeeping measure to correct a reference in the original code that was inconsistent with a previous paragraph.

**MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2009-988-O, an Ordinance Amending And Superseding Title 10, Chapter 2-2.C. of The Washington County Code (Land Use Authority - Authority To Hear And Act). Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ORDINANCE NO. 2009-989-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10, CHAPTER 18-3 OF THE WASHINGTON COUNTY CODE (CONDITIONAL USES - APPLICATION**

**PROCESS) AND TITLE 10, CHAPTER 18-8 OF THE WASHINGTON COUNTY CODE (CONDITIONAL USES - TIME LIMITATION)**

Mr. Patterson explained that this ordinance required amendment to clarify the application process.

**MOTION:** Motion by Commissioner Drake to Adopt Ordinance No. 2009-989-O, An Ordinance Amending And Superseding Title 10, Chapter 18-3 Of The Washington County Code (Conditional Uses - Application Process) And Title 10, Chapter 18-8 Of The Washington County Code (Conditional Uses - Time Limitation). Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF ORDINANCE NO. 2009-990-O, AN ORDINANCE AMENDING TITLE 11, CHAPTER 2 (DEFINITIONS) BY ADDING A DEFINITION FOR "SCATTERED PARCEL" AND "SCATTERED BUILDABLE PARCEL"**

Mr. Patterson said that this ordinance provides clear definitions for the terms “scattered parcel” and “scattered buildable parcel.”

**MOTION:** Motion by Commissioner Gardner to Adopt Ordinance No. 2009-990-O, An Ordinance Amending Title 11, Chapter 2 (Definitions) By Adding A Definition For "Scattered Parcel" And "Scattered Buildable Parcel." Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1386, A RESOLUTION APPOINTING A BOARD MEMBER TO THE DIXIE DEER SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

Chairman Eardley said that this resolution was tabled at a recent meeting because of some confusion over the availability of Mr. Alderman to accept the position. Mr. Alderman has confirmed his willingness to accept the nomination, the term of which will expire upon the swearing in of the next elected Administrative Control Board Member.

**MOTION:** Motion by Commissioner Drake to Adopt Resolution No. R-2009-1386, A Resolution Appointing E. Bud Alderman To The Dixie Deer Special Service District Administrative Control Board, effective immediately, for a term to expire upon the swearing in of the next elected Dixie Deer Special Service Administrative Control Board

**member. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. R-2009-1397, A RESOLUTION ADJUSTING THE WASHINGTON COUNTY BUDGET FOR 2009 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF**

Washington County Clerk-Auditor Kim M. Hafen said that budgets are prepared a year in advance, and the County typically opens the budget at this time of year to make minor adjustments. This year, sales tax revenues were reduced nearly one million dollars (\$1,000,000), and all departments were asked earlier in the year to reduce their budgets by five percent (5%), which they all did. A copy of the 2009 Budget is attached to these minutes.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1397, A Resolution Adjusting The Washington County Budget For 2009 And Adopting By Reference A Summary And Analysis Thereof. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1398, A RESOLUTION ADOPTING THE WASHINGTON COUNTY BUDGET FOR 2010 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF**

Mr. Hafen said that a Public Hearing was held on the 2010 Budget at the November 17, 2009, Commission meeting. With a few minor changes, the Budget presented today is the same as the preliminary budget presented in November. A copy is attached to these minutes.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-139, A Resolution Adopting The Washington County Budget For 2010 And Adopting By Reference A Summary And Analysis Thereof. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF APPROVAL OF RESOLUTION NO. R-2009-1399, A RESOLUTION RE-APPOINTING TWO (2) BOARD MEMBERS TO THE PINE VALLEY SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

**MOTION:** Motion by Commissioner Gardner to Adopt Resolution No. R-2009-1399, A Resolution Re-Appointing Dall J. Winn and Spencer Beckstrom To The Pine Valley Special Service District Administrative Control Board. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1400, A RESOLUTION APPOINTING / RE-APPOINTING MEMBERS TO THE WASHINGTON COUNTY WEED BOARD**

**MOTION:** Motion by Commissioner Gardner to Adopt Resolution No. R-2009-1400, A Resolution Re-Appointing John Bramall and Lonnie Gubler and Appointing Matt Spendlove To The Washington County Weed Board for terms to expire 12/31/13. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1401, A RESOLUTION APPOINTING / RE-APPOINTING MEMBERS TO THE WASHINGTON COUNTY COUNCIL ON AGING ADMINISTRATIVE CONTROL BOARD**

**MOTION:** Motion by Commissioner Drake to Re-Appoint Kimber Atkinson and Appoint Maryjo Kraft to the Washington County Council on Aging Administrative Control Board, for terms to expire 12/31/13. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1402, A RESOLUTION APPROVING THE EXECUTION OF A DEED OF CONSERVATION EASEMENT FOR PINE VALLEY PROPERTY GRANTED FROM DEMAR LC TO THE VIRGIN RIVER LAND PRESERVATION ASSOCIATION AND WASHINGTON COUNTY**

Commissioner Gardner recused himself from consideration of this and the following item on the agenda because of a potential conflict of interest. Lori Rose, representing the Virgin River Land Preservation Association (VRLPA), explained that the VRLPA has been working to acquire a land preservation easement on Pine Valley Meadows in Pine Valley. This means, in effect, that development rights on the property are retired, thus preserving scenic views of the community.

**MOTION:** Motion by Commissioner Drake to Adopt Resolution No. R-2009-1402, A Resolution Approving The Execution Of A Deed Of

**Conservation Easement For Pine Valley Property Granted From DeMar LC To The Virgin River Land Preservation Association And Washington County. Motion seconded by Commissioner Eardley and carried by majority vote, with Commissioners Eardley and Drake voting aye and Commissioner Gardner abstaining.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1403, A RESOLUTION APPROVING THE SITE INSPECTION-BASELINE DOCUMENTATION RELATED TO THE DEED OF CONSERVATION EASEMENT IN PINE VALLEY**

Ms. Rose said that these documents are a component of the easement recording process that is required by the Internal Revenue Service and state and federal law. Its sole purpose is to show the condition of the property at the time the easement is placed on the property. The easement is then monitored annually, with photographs continually added to the portfolio. There are fifty-one (51) photographs contained in the resolution rather than the eight (8) photographs referred to in the resolution.

Additionally, the language in the Site Inspection-Baseline Documentation Form, Pine Valley Meadow 2 2009, under "Comments," should be changed to read, "Three of these four have next-generation family members that are part of the LC."

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1403, A Resolution Approving The Site Inspection-Baseline Documentation Related To The Deed Of Conservation Easement In Pine Valley, with the Following Corrections: (1) the Resolution includes Fifty-One Photographs rather than Eight (8), as referenced; and (2) The Language in the Site Inspection-Baseline Documentation Form, Pine Valley Meadow 2, 2009, under "Comments," should read: "Three of these four have next-generation family members that are part of the LC." Motion seconded by Commissioner Eardley and carried by majority vote, with Commissioners Eardley and Drake voting aye and Commissioner Gardner abstaining.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1404, A RESOLUTION AMENDING THE BOUNDARY OF THE HURRICANE VALLEY FIRE SPECIAL SERVICE DISTRICT**

This boundary adjustment has been an ongoing item of discussion. The major change is that the map now includes the Kolob area, plus some other minor boundary adjustments.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1404, A Resolution Amending The Boundary Of The Hurricane**

**Valley Fire Special Service District. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1405, A RESOLUTION APPROVING A CONSULTING AGREEMENT BETWEEN WENDY SANDBERG AND WASHINGTON COUNTY TO PROVIDE CONSULTATION SERVICES TO WASHINGTON COUNTY FOR THE 2010 WASHINGTON COUNTY FAIR**

Wendy has been overseeing the Washington County Fair for many years and has done a great job. This agreement helps to offset her cost in procuring liability insurance coverage for herself and the County for this event.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2009-1405, A Resolution Approving A Consulting Agreement Between Wendy Sandberg And Washington County To Provide Consultation Services To Washington County For The 2010 Washington County Fair. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1406, A RESOLUTION APPROVING AN AGREEMENT BETWEEN CONNEX INFORMATION SYSTEMS, INC., AND WASHINGTON COUNTY FOR COMPUTER SERVICES FOR THE WASHINGTON COUNTY JAIL**

Deputy Jake Schultz explained that Connex is a systems development group that has developed a computer program specifically geared toward a Pay-to-Stay program in the State of Utah in conjunction with approximately eight (8) other Utah counties. These jail fees are applied to inmates in Washington County; if a person commits a crime, he or she must pay forty-five dollars (\$45) a day for incarceration. Up to now, the Sheriff's Office (SO) has only been able to collect three percent (3%) of those fines, while Connex collects about thirteen percent (13%) on average for the other counties. Connex takes over the accounting and collection procedures that the SO doesn't have the resources for. This resolution also lowers the rate to twenty-five dollars per day (\$25/day) and provides for a collection effort.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1406, A Resolution Approving An Agreement Between Connex Information Systems, Inc., And Washington County For Computer Services For The Washington County Jail. Motion seconded by**



**Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2009-1407, A RESOLUTION APPOINTING BOARD MEMBERS TO THE ST. GEORGE CONVENTION AND VISITORS BUREAU MARKETING ADVISORY BOARD**

There are restrictions in the bylaws that board members may only serve two (2) consecutive terms, and Kathy LaFave (Springdale representative) and Mark Wade (Member at Large) have both done so. Therefore, the board has recommended Stan Smith and Becky Pendleton to replace those retiring board members.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2009-1407, A Resolution Appointing Stan Smith and Becky Pendleton To The St. George Convention And Visitors Bureau Marketing Advisory Board for terms to expire 12/31/12. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF SELECTION OF COMMISSION CHAIRMAN FOR 2010**

**MOTION: Motion by Commissioner Drake to Select Current Chairman James J. Eardley as Chairman for 2010. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**PUBLIC WORKS OR ROAD BUSINESS**

No items were presented today.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

No items were presented today.

Chairman Eardley presented Dr. David Blodgett from the Southwest Utah Public Health Department, who announced a fourth (4<sup>th</sup>) death from H1N1 in Washington County. A flu shoot-out is scheduled at the Dixie Center for Wednesday, December 16, 2009. Dr. Blodgett discussed the differences between the “swine” flu and the seasonal flu. The swine flu often manifests itself in Acute Respiratory Distress Syndrome (ARDS), a serious lifelong problem for those afflicted with it. He expects to see another spike in the illness in the spring. Twelve thousand (12,000) doses of vaccine will be available to the general public. Most adults need only one dose, while children under ten (10) require two.



**Request an Executive Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:48 p.m.

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PAULA D. McENTIRE  
DEPUTY CLERK

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JAMES J. EARDLEY  
CHAIRMAN